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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,118	02/11/2004	Dong-Kyu Lee	678-1157	2794
66547 7590 10/07/2010 THE FARRELL LAW FIRM, LLP 290 Broadhollow Road Suite 210E Melville, NY 11747				
EXAMINER				
BEAMER, TEMICA M				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/07/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,118

Applicant(s)

LEE, DONG-KYU

Examiner

TEMICA M. BEAMER

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/14/2010 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mendiola and Aikoh et al (Aikoh), U.S. Patent Pub. No. 2004/0111341 (previously cited).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendiola et al (Mendiola), U.S. Patent No. 7,505,935 in view of Aikoh et al (Aikoh), U.S. Patent Pub. No. 2004/0111341.

Regarding claims 1 and 9, Mendiola discloses a method for reselling content, comprising the steps of: (a) receiving by a content server (auction server 10) , content information for particular content to be resold from a seller terminal in reply to a request by a seller who wishes to resell the content over a communication network, and registering a corresponding to the content in a database as secondhand content (col. 4, lines 7-33, col. 6, lines 4-11, col. 7, lines 3-20); and (b) in reply to a request by a buyer

to buy the secondhand content, searching for corresponding secondhand content and providing, by the content server corresponding secondhand content to a buyer terminal. (col. 13, line 25-col. 14, line 5, col. 14, lines 20-52), and paying a sale price for the secondhand content to the seller (col. 12, line 66-col. 13, line 4).

Mendiola, however, fails to disclose transmitting sale information for the secondhand content to the seller terminal in reply to a request by a buyer to buy the secondhand content.

In a similar field of endeavor, Aikoh discloses an electronic data transaction method and system. Aikoh further discloses transmitting sale information for the secondhand content to the seller terminal in reply to a request by a buyer to buy the secondhand content (0112, 0123).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mendiola with the teachings of Aikoh for the purpose of allowing the seller to know how much he or she will receive for the purchased product.

Regarding claim 2, Mendiola as modified discloses the method of claim 1, further comprising the step of (c) paying a sale price for the secondhand content to the seller after charging a fee for the secondhand content to the buyer (col. 12, line 66-col. 13, line 10).

Regarding claims 7 and 14, Mendiola as modified discloses wherein step (b) comprises the steps of: (b-1) generating secondhand content data based on the sale information and the buyer information of the registered secondhand content in reply to a

request by the buyer; and (b-2) transmitting the secondhand content to the buyer terminal (col. 4, lines 44-61, col. 5, line 56-col. 6, line 21).

Regarding claims 8 and 15, Mendiola as modified discloses the method of claims 2 and 9 as described above and further discloses paying to the seller, an amount of money (col. 12, line 66-col. 13, line 10).

Mendiola, however, fails to disclose wherein step (c) comprises the step of paying to the seller an amount of money determined by subtracting a predetermined commission from a fee for the secondhand content paid by the buyer.

The examiner contends, however, that such a method of payment would be a design choice. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mendiola with such a method of payment for the purpose of ensuring fair payment to all pertinent parties involved in the transaction.

Allowable Subject Matter

4. Claims 3-6 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is

(571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/
Primary Examiner, Art Unit 2617